

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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**ASHLEY N. THOMAS,**

**Plaintiff,**

**vs.**

**No.:** \_\_\_\_\_

**Judge:** \_\_\_\_\_

**NATIONAL INDEMNITY COMPANY OF THE SOUTH,**

**Defendant.**

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**COMPLAINT FOR DECLARATORY JUDGMENT**

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**COMES NOW** your Plaintiff, Ashley N. Thomas, by and through counsel, and files this Complaint against Defendant, National Indemnity Company of the South, for declaratory judgment and would respectfully state unto this Honorable Court the following, to wit:

**JURISDICTION AND VENUE**

1. Plaintiff, Ashley N. Thomas, respectfully alleges that she is an adult resident citizen of Memphis, Shelby County, Tennessee.

2. Plaintiff alleges that Defendant, National Indemnity Company of the South, is a Nebraska Corporation with its principal place of office located at 3024 Harney Street, Omaha, Nebraska, 68131, and has designated as its registered agent for service of process the Department of Commerce and Insurance – Commissioner, 500 James Robertson Parkway, 5<sup>th</sup> Floor, Nashville, TN 37243.

3. On or about November 6, 2009, Plaintiff was involved in an automobile collision in Memphis, Shelby County, Tennessee as a passenger in a vehicle owned by Elton Hyman and

driven by Burnett Williams Fogg.

4. This cause of action is being brought pursuant to 28 U.S.C. § 2201-2202 and Rule 57 of the Federal Rules of Civil Procedure. Plaintiff is requesting a determination of Defendant, National Indemnity Company of the South's, obligations based upon a Policy of Insurance issued to its insured, Elton Hyman.

5. This Court has proper jurisdiction pursuant to 28 U.S.C. § 1332.

6. Plaintiff avers that Defendant, National Indemnity Company of the South, has an obligation to provide automobile liability insurance coverage through its Policy of Insurance issued to its insured, Elton Hyman, for any injuries and damages sustained by Plaintiff as a result of the negligence of Defendant's insured or his agents.

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff prays that:

1. Proper process be issued to the Defendant requiring answer to this Complaint within the time allowed by law.

2. For a declaration of the obligations of Defendant by reason of the aforesaid policy of insurance.

3. For a declaration that coverage is available under the insurance policy issued to Elton Hyman for any claims and demands made by Plaintiff.

4. All court costs including discretionary expenses be taxed to Defendant.

5. Defendant be ordered to pay Plaintiff's reasonable attorney's fees incurred in prosecuting this cause of action.

6. That Plaintiff has such other and further relief to which Plaintiff may prove.

Respectfully submitted,

**NAHON SAHAROVICH & TROTZ, PLC**

/s/ Adam H. Johnson

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